

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
USA BASEBALL, THE NATIONAL HIGH  
SCHOOL BASEBALL COACHES ASSOCIATION,  
DR. PETER BERG, JUAN HERNANDEZ, DENNIS  
CANALE, MEL ZITTER, MICHAEL CRUZ, TITO  
NAVARRO, JOHN TORRES, EASTON SPORTS,  
INC., WILSON SPORTING GOODS CO.,  
RAWLINGS SPORTING GOODS COMPANY, and  
HILLERICH & BRADSBY CO.,

**NOTICE OF MOTION  
FOR SUMMARY JUDGMENT**

No. 07 CV 3605 (JGK)(DFE)

Plaintiffs,

-against-

THE CITY OF NEW YORK,

Defendant.

----- X

PLEASE TAKE NOTICE that defendant City of New York, by its undersigned counsel, will move this Court before the Honorable John G. Koeltl, at the United States Courthouse located at 500 Pearl Street, New York, New York, on a date and at a time to be designated by the Court, for an order:

- a) pursuant to Federal Rules of Civil Procedure, Rule 56(c), for summary judgment in favor of defendants, on the ground there is no genuine issue of material fact and defendant is entitled to judgment as a matter of law in its favor, and
- b) granting such other relief as may be appropriate.

This motion is based on this Notice of Motion, the accompanying Declaration of Jerald Horowitz, dated June 18, 2007, Declaration of Laura Popa, dated June 18, 2007,

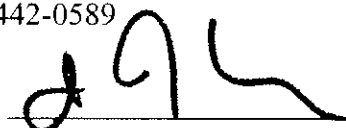
Defendants' Response To Plaintiffs' Statement Pursuant to Local Rule 56.1 and Defendant's Counter Rule 56.1 Statement of Material Undisputed Facts, dated June 18, 2007, Memorandum of Law, dated June 19, 2007, the moving papers served by the plaintiffs on May 29, 2007, and on the pleading and papers on file in this action.

Pursuant to the Court's May 29, 2007 Order, plaintiffs' responsive papers are to be served by June 29, 2007, and defendant's reply papers by July 6, 2007, in accordance with the stipulation of the parties.

Dated: New York, New York  
June 19, 2007

MICHAEL A. CARDOZO  
Corporation Counsel of the  
City of New York  
Attorney for Defendant  
100 Church Street, Room 5-189  
New York, New York 10038  
(212) 442-0589

By:

  
Jerald Horowitz (JH 8395)  
Assistant Corporation Counsel

To: John F. Collins  
Dewey Ballantine LLP  
1301 Avenue of the Americas  
New York, New York 10019  
(212) 259-8000

David A. Ettinger  
Jeffrey H. Kuras  
Honigman Miller Schwartz and Cohn LLP  
660 Woodward Avenue  
2290 First National Building  
Detroit, Michigan 48226-3506  
(313) 465-7368

Attorneys for Plaintiffs

Index No. 07 CV 3605 (JGK) (DFE)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USA BASEBALL, THE NATIONAL HIGH  
SCHOOL BASEBALL COACHES  
ASSOCIATION, DR. PETER BERG, JUAN  
HERNANDEZ, DENNIS CANALE, MEL  
ZITTER, MICHAEL CRUZ, TITO NAVARRO,  
JOHN TORRES, EASTON SPORTS, INC.,  
WILSON SPORTING GOODS CO., RAWLINGS  
SPORTING GOODS COMPANY, and ILLERICH  
& BRADSBY CO.,

Plaintiffs,

-against-

THE CITY OF NEW YORK,

Defendant

**NOTICE OF MOTION  
FOR SUMMARY JUDGMENT**

***MICHAEL A. CARDOZO***

*Corporation Counsel of the City of New York  
Attorney for Defendant City of New York  
Address for Service of Papers  
100 Church Street, Room 5-189  
New York, N.Y. 10007*

*Of Counsel: Jerald Horowitz  
Tel: (212) 442-05890  
NYCLIS No. 2007-015516*